

EPA Region 5 Records Ctr.



303321

STATE OF ILLINOIS
POPULATION CONTROL BOARD

309 WEST WASHINGTON STREET SUITE 300

CHICAGO, ILLINOIS 60606

TELEPHONE
312-723-3000

DAVID F. COFFEY, CHAIRMAN
SAMUEL R. ALDRICH
JACOB D. DUMELLE
RICHARD J. KISSEL
SAMUEL T. LAWTON, JR.

August 1, 1972

Mr. Richard Petrarca
Wilczynski, Wilczynski et al
1515 Halsted St.
Chicago Heights, Illinois 60411

PCB72-3

Mr. Stanley Lind
162 E. Clinton St.
Chicago, Illinois 60606

ENVIRONMENTAL PROTECTION AGENCY

v.

Mr. Thomas Schaeneman
Deputy Director
Environmental Protection Agency
2209 Churchill Road
Springfield, Illinois 62706

LOBUE, INC. ET AL

Dear Sirs:

Enclosed please find certified copies of the Supplemental Statement filed by Mr. Dumelle on July 25, 1972 for the above entitled case.

Very truly yours,

Christian L. Moffett
Clerk of the Board

CLM:en

enc.

cc: D. Landgraf
H. Sheldon
L. Eaton
T. Immel
F. Crawford
L. Hudson
J. Anderson
B. Pye

ILLINOIS POLLUTION CONTROL BOARD

July 25, 1972

ENVIRONMENTAL PROTECTION AGENCY

v.

PCB 72-3

LOBUE, INC., an Illinois corporation,
LOBUE EXCAVATING CO., an Illinois
corporation, FRED LOBUE, DOROTHY LOBUE
FOUSHI, ANTHONY LOBUE, CHARLES LOBUE,
SAMUEL LOBUE, and the FIRST NATIONAL
BANK OF CHICAGO HEIGHTS, a bank chartered
by the State of Illinois, as Trustee

Supplemental Statement (by Mr. Dumelle)

While I voted in favor of the acceptance of this settlement I feel that the penalty of \$1000 was somewhat low in the light of past Board actions.

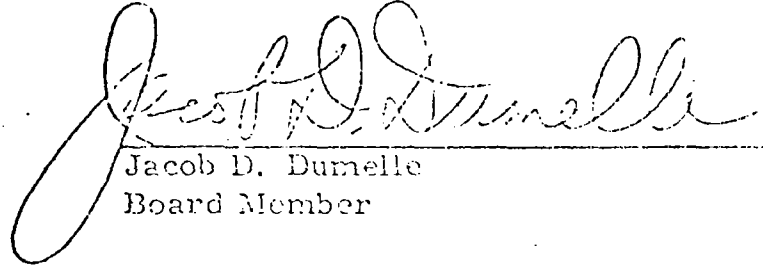
No permits were obtained for the two landfill sites. Each violation of the permit requirement absent a condition of poverty would normally carry a \$1000 penalty or \$2000 total for these counts alone.

The settlement document is singularly uninformative and the Board is left without adequate facts upon which to judge this case. The size of the two disposal sites in acres is not given nor is the distance to the nearest residences. The complaint in Count No. 8 implies a rodent problem but the settlement document makes no mention whether such problem did in fact exist or whether the respondent will correct it. Abandoned cars, which are admitted in the settlement document as having been allowed on the site, normally have cushions which are known to be favorite rodent harborages. Yet even the number of abandoned cars is not given to the Board let alone any statement about rodent infestation.

The danger of low settlements as this one may be is that other landfill operators will calculate that it is better not to cover daily and thus greatly extend the life (and revenues) of their site. A token penalty then becomes an

alternative to be considered. Penalties ought to penalize. The landfill operator following the law ought not to be put in an unfair competitive position with someone who chooses not to follow the State's regulations.

In the future, in cases of this type, adequate facts ought to be given the Board and higher penalties requested in settlement negotiations.



Jacob D. Dumelle
Board Member

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Supplemental Statement was submitted on the 27th day of July, 1972.



Christian L. Moffett, Clerk
Illinois Pollution Control Board